IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 806 OF 2004

S.B. Gaikwad & ors. ... Appellants

V/s

N. H. Kale & ors. ... Respondents

Mr. S.S. Patwardhan for the appellants.

Mr. S.M. Kamble for the respondents 1 to 5.

CORAM: P.V. KAKADE, J.

DATED: 18TH AUGUST, 2005

P.C.:

1. Heard learned counsel for both parties. Perused the record.

2. After hearing both sides for some, the learned counsel for the respondent Nos. 1 to 5 who are original plaintiffs, has submitted that since they have approached the competent authority i.e. the Office of the Charity Commissioner to get the grievances redressed according to law, there is no reason to pursue the matter and, therefore, he seeks permission to withdraw the suit itself.

3. In view of the facts and circumstances, the permission is granted to withdraw R.C.S. No. 155 of 1991 filed in the Court of Civil Judge, Jr.Divn., Panhala against which R.C.A. No. 319 of 1995 was filed against the present second appeal came to be filed. The suit being R.C.S. No. 155 of 1991 stands disposed of as withdrawn and, as such, the present appeal becomes infructuous and stands disposed of with no order as to costs.

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